

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN MYRICK,

Defendant.

CR-14-69-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 4, 2018. (Doc. 58.) Myrick timely filed objections on June 11, 2018. (Doc. 59.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on May 31, 2018. (Doc. 54.) The United States accused Mr. Myrick of violating his conditions of supervised release by failing to report to the United States Probation office within seventy-two hours of his release from custody. (Doc. 58 at 2.) Mr. Myrick admitted the allegation. (Doc. 58 at 3.) Judge Johnston recommended that the Court sentence Mr. Myrick to six months in custody, with twenty-four months of supervised release to follow. (Doc. 58 at 5.)

Myrick now objects to Judge Johnston's recommendation of six months of custody. (Doc. 59.) He argues that a sentence of three months in custody would be more "reasonable" considering his circumstances. (Doc. 59 at 4.)

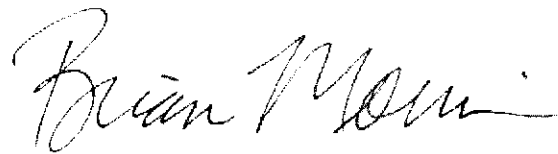
Mr. Myrick explains that the Bureau of Prisons provided him with a bus ticket to Billings, Montana. (Doc. 59 at 3.) He lacked the requisite funds to return from Billings to his home on the Fort Peck Indian Reservation. (Doc. 59 at 3.) Mr. Myrick further argues that he contacted his mother-in-law and requested that she contact his probation officer. (Doc. 59 at 3.) Mr. Myrick did contact USPO Eliason upon return to the reservation. (Doc. 59 at 3.) Finally, Mr. Myrick argues that he needs a shorter sentence to aid in raising his children, as "his ex-wife continues to choose a more harmful lifestyle for herself." (Doc. 59 at 4.)

The Court has considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations. Myrick's violation of his conditions represents a serious breach of the Court's trust. The Court notes that Mr. Myrick absconded for approximately one month after his release. (Doc. 58 at 4.) USPO Eliason did not file his initial petition seeking revocation for over a week after Mr. Myrick's term of supervised release was to begin. (Doc. 52.) The Court finds that Mr. Myrick had ample time to correct this violation before it led to a revocation, and that Judge Johnston's recommendation of a mid-guideline sentence is sufficient, but not greater than necessary.

Therefore, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 58) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant John Myrick be sentenced to custody for six months, followed by twenty-four months supervised release.

DATED this 2nd day of July, 2018.

A handwritten signature in cursive script, reading "Brian Morris". The signature is written in black ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge